

### **REMARKS**

The Office Action mailed January 8, 2004 has been received and the Examiner's comments carefully reviewed. Claim 8 was previously cancelled in a phone interview with the Examiner on November 25, 2003. Claims 1-7 and 13 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

### **Examiner Phone Interview**

Examiner Hyeon contact Applicants' below listed representative on November 25, 2003. The Examiner indicated that the pending claims were now allowable, however, claim 8 was not properly cancelled (claim 8 was not listed and cancelled claims "9-12" should have read "8-12", although only claims 1-7 and 13 were listed and noted in the remarks as pending). In the phone interview, the Examiner was authorized to cancel claim 8 by Examiner's amendment.

### **Rejections Under 35 U.S.C. §103**

The Examiner rejected claims 1-7 and 13 under 35 U.S.C. §103(a) as being unpatentable over Witty et al. (U.S. Patent Application Publication 2002/0149923 A1) in view of George et al. (U.S. Patent 4,818,054). Applicants respectfully traverse this rejection.

Prior art under §102(e), (f), and (g) may be modified or combined to establish obviousness EXCEPT when the 102 prior art and the claimed invention are owned by, or obligated to be assigned to, the same person. 35 U.S.C. §103(c).

Both the Witty reference and the present application are owned by the same assignee. In particular, the Witty reference is owned by ADC Telecommunications, Inc (assignment recorded at reel/frame 012060/0412). At the time the claimed invention was made, the inventors were obligated to assign the invention to ADC Telecommunications, Inc. (The present application was subsequently assigned; assignment recorded at reel/frame 012411/0160.)

Applicants respectfully submit that the Witty reference cannot be used as prior art to preclude patentability of the claimed invention. Accordingly, Applicants respectfully submit that independent claims 1 and 13, and dependent claims 2-7 are patentable.

### SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-7 and 13) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct.

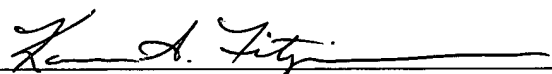
Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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